

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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BILL DRAFT 2013-RBz-52C [v.4] (04/14)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
5/8/2014 3:46:57 PM

Short Title: Board of Review for Unemployment Insurance.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MAKES CHANGES TO THE BOARD OF REVIEW FOR UNEMPLOYMENT
INSURANCE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 21 of S.L. 2013-224 reads as rewritten:

"SECTION 21. G.S. 96-4, as amended by ~~S.L. 2011-145~~, S.L. 2011-401, created a Board of Review to determine appeals policies and procedures and to hear appeals arising from the decisions and determinations of the Division of Employment Security. The Board is comprised of three members appointed by the Governor and confirmed by the General Assembly. The Governor is directed to appoint the members of the Board of Review by ~~September 1, 2013~~. January 1, 2014. Notwithstanding G.S. 96-4(b), the initial Board of Review appointments made pursuant to this section do not require confirmation by the General Assembly."

SECTION 1.(b) A decision issued by the Assistant Secretary of Commerce for the Division of Employment Security or by the Assistant Secretary's designee in an appeal by a party to a decision of an appeals referee or hearing officer under Chapter 96 of the General Statutes is hereby validated and given the same legal effect as if the decision had been issued by the Board of Review.

SECTION 1.(c) This section is effective when it becomes law and subsection (b) applies to decisions rendered on or after November 1, 2011.

SECTION 2.(a) G.S. 96-4(b) reads as rewritten:

(b) Board of Review. – ~~The Governor shall appoint a three person~~ Board of Review is created to determine appeals policies and procedures and to hear appeals arising from the decisions and determinations of the Division. The Board of Review shall be comprised of one member representing employers, one member representing employees, and one member representing the general public. Members of the Board of Review ~~are subject to confirmation by the General Assembly and shall serve staggered four-year terms. A term begins on July 1 of the year of appointment and ends on June 30 of the fourth year. Notwithstanding G.S. 128-7, a member may not serve until a successor is appointed.~~ The member appointed to represent the general public shall serve as chair of the Board of Review and shall be a licensed attorney. The annual salaries of the Board of Review shall be set by the General Assembly in the current Operations Appropriations Act. The Board of Review shall exercise its decision-making processes independent of the Governor, the General Assembly, the Department, and the Division.



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Two members of the Board of Review shall be appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate. The third member of the Board of Review shall be appointed by the Governor. The appointment by the Governor is subject to confirmation by the General Assembly and the provisions of G.S. 147-16.3 apply to the nomination and confirmation process. The member appointed upon the recommendation of the Speaker of the House of Representatives must be a person representing employers, the member appointed upon the recommendation of the President Pro Tempore of the Senate must be a person representing employees, and the member appointed by the Governor must be a person representing the general public who is a licensed attorney."

SECTION 2.(b) Notwithstanding G.S. 96-4(b), as amended by subsection (a) of this section, the terms of the initial Board of Review members will be as follows in order to achieve staggered terms:

- (1) The term of the member serving on the Board of Review that represents employers expires June 30, 2014.
- (2) The term of the member serving on the Board of Review that represents employees expires June 30, 2015.
- (3) The term of the member serving on the Board of Review that represents the general public expires June 30, 2017.

SECTION 2.(c) This section is effective when it becomes law.

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.